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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,166	10/09/2003	Anne-Mette Hjortshoj Abildgaard	0459-0749P	6471
2292	7590	08/23/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			BIDWELL, JAMES R	
			ART UNIT	PAPER NUMBER
			3651	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/681,166

Applicant(s)

ABILDGAARD ET AL.

Examiner

James R Bidwell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 25, 29-38, 43, 44, 51-53, 55, 56, 59, 62 and 68 is/are rejected.
- 7) ☒ Claim(s) 2-24, 26-28, 39-42, 45-50, 54, 57, 58, 60, 61 and 63-67 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/09/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The disclosure is objected to because of the following informalities: In the second line of claim 63 it appears as if --off-- should be inserted after "sliding".

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 25 and 29-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Baum et al. (U.S. Patent 5,662,206).

Baum et al. show in Figures 3 and 4 two points 15 and 16a connected to a tilting part 14 and frame part 16, respectively, which move relative to one another to tilt tray 1.

One path is shown as linear and one path is non-linear.

Re claims 25 and 29-33, these various types of drives are either disclosed by Baum et al. or well known in the tilting tray art.

Re claim 34, shown is a tray 1.

Re claim 35, rollers are conventional and known.

Re claim 36, shown is a pair of ridges.

Re claims 37 and 38, the cam acts as a position means.

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Claims 43, 44, 51-53, 55, 56, 59, 62 and 68 are rejected under 35 U.S.C. 102(e) as being anticipated by Bruun (U.S. Patent 6,152,280).

Bruun disclose in column 5, line 47 a sorter whose tray can be tilted as it rounds a curve, see Figure 1.

Re claim 44, shown is a train with at least two tilting mechanisms.

Re claim 51, there is a tilting mechanism.

Re claim 52, belts are well known and inherent to use in sorters.

Re claim 53, as there are more than one each has a unique number.

Re claims 55 and 56, inherent is a logical control unit.

Re claim 59, power is transferred.

Re claim 62, the sorters are driven.

Re claim 68, a closed loop is used.

Claims 2-24, 26-28, 39-42, 45-50, 54, 57, 58, 60, 61 and 63-67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to James R Bidwell at telephone number (703)308-1144.

JRB

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GROUP 810
3651
8/20/04

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